## REMARKS

Claims 1-9 and 12-20 are pending in this application. Claim 1 has been amended to remove the peptide embodiments of (b) and (c).

*Unity of Invention Requirement*

The subject matter of the present claims has been subjected to a Unity of Invention Requirement as follows:

Group I -- claims 1-9, 12 and 13, directed to a diagnostic agent comprising a compound of formula (PEPTIDE)n1-(LINKER)n2-(SIGNAL)n3;

Group II -- claims 14-15, 18 and 19, directed to a method of detecting, imaging or monitoring a pathological disorder associated with metalloproteinase activity in a patient;

Group III -- claim 16, directed to a method of identifying a patient at high risk for transient ischemic attack or stroke;

Group IV -- claim 17, directed to a method of identifying a patent at high risk for acute cardiac ischemia, myocardial infarction, or cardiac death;

Group V -- claim 20, directed to a method of assessing vulnerable plaques.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-9, 12 and 13.

The claims have also been subjected to an Election of Species Requirement such that Applicant is to elect both: (a) a specific PEPTIDE, and (b) a specific SIGNAL.

*Responses to Unity of Invention and Election of Species Requirements*

Responsive to the Unity of Invention Requirement, Applicant elects the subject matter of Group I, with traverse.

Responsive to the Election of Species Requirement, Applicant elects as Species (a) the peptide Gly-Pro-D-Leu-D-Ala, and as Species (b) the SIGNAL of an iron oxide particle as recited in claim 8. This provisional election is made with traverse.

*Reasons for Traversals of Requirements*

The Unity of Invention Requirement is respectfully traversed as it is submitted that the Administrative Instructions under the PCT allows Applicant at least one additional method-of-use claim category embodiment with the present elected product. See MPEP, Annex B, Unity of Invention, Section (e), pages AI-58 to AI59 (Rev. 6, Sept. 2007). In the present situation, at least Group II should be examined with elected Group I. Also, it is submitted that all of the present claims share the special technical feature of the diagnostic agent of claim 1 containing the peptide (a). Finally, it is submitted that there is no undue burden placed on the Examiner to additionally examine the subject matter of Groups III-V which are methods of use of the elected product subject matter that overlaps with the subject matter of Group II.

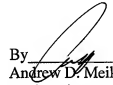
The Election of Species Requirement is respectfully traversed as it is submitted that a reasonable number of peptides and signal embodiments are encompassed by the present claims such that there is no undue burden placed on the Examiner to extend the search and examination to at least the entire scope of Group I. In any case, it is requested that the Examiner extend the search and examination to a reasonable number of species after identifying allowable subject matter.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle, Registration No 32,868, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 9, 2009

Respectfully submitted,



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